



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.04.2023

CORAM

THE HON'BLE MR. JUSTICE **A.D.JAGADISH CHANDIRA**

Crl.O.P.No.9425 of 2023

1.S.Sabarinathan
2.K.Suresh
3.V.Selvam

... Petitioners

Vs.

State Represented by
The Forest Ranger,
Nagapattinam Forest Office,
Nagapattinam District.
(Crime No.5/2023).

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioner on bail in Crime No.5 of 2023 pending on
the file of the respondent herein.

For Petitioners : Mr.A.Sundaravadhanan

For Respondent : Mr. C.E.Pratap
Government Advocate (Crl. Side)



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ORDER

The petitioners, who was arrested and remanded to judicial custody on 25.03.2023, for the offences punishable under Sections 2, 9, 39(1) (a,d), 44, 49-A, 49-B, 50, 51, 52, 56 and 57 of Wildlife (Protection) Act, 1972, in Crime No.5 of 2023 on the file of the respondent police, seek bail.

2. The case of the prosecution is that the petitioners were found in possession of Sea Cucumber and after assessment, it was found 317 kg was processed and 683 kg of ready for process. Hence, the case.

3. The learned counsel for the petitioners would submit that the petitioners are innocent persons and they have been falsely implicated in this case and that they have not committed any offence as alleged by the prosecution. However, on instructions he would submit that without prejudice to their rights and defence, the petitioners are ready and willing to deposit a substantial amount to any charitable institution as may be directed by this Court and hence, he prayed for grant of bail to the petitioners.

4. The learned Government Advocate (Criminal Side) for the respondent vehemently opposed to grant bail to the petitioners stating that



the petitioners were found in possession of Sea Cucumber and after assessment, it was found 317 kg was processed and 683 kg of ready for process.

5. Heard the learned Counsel for the petitioners and the learned Government Advocate (Crl.Side) and perused the materials available on record.

6. Taking into consideration the facts and circumstances of the case, the submissions made by either side and also taking into consideration the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioners with certain conditions.

7. Accordingly, the petitioners are directed to make non-refundable deposit of **Rs.25,000/- (Rupees Twenty Five Thousand only)** each to the credit of "Gulf of Mannar, Biosphere Reserve Trust, State Bank of India, Ramnad Branch, A/c No.33658054216, IFSC Code: **SBIN0000908**", without prejudice to their rights and contentions before the trial Court, on such deposit and production of proof, the petitioners are ordered to be released on bail on their executing a separate bond for a sum of



Rs.10,000/- (Rupees Ten thousand only) with two sureties, for a like sum to the satisfaction of the **learned Judicial Magistrate No.I, Nagapattinam**, and on further conditions that:

[a] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

[b] the petitioners shall report before the respondent police everyday at 10.30 a.m. until further orders;

[c] the petitioners shall not abscond either during investigation or trial;

[d] the petitioners shall not tamper with evidence or witness either during investigation or trial;

[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in *P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]*;



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[f] If the accused thereafter abscond, a fresh FIR
can be registered under Section 229A IPC.

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To

1. The Judicial Magistrate No.I, Nagapattinam.
2. The Forest Ranger,
Nagapattinam Forest Office,
Nagapattinam District.
3. The Sub Jail, Nagapattinam.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA,J.,

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